



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

271 Cadman Plaza East
Brooklyn, New York 11201

July 10, 2024

By ECF

Honorable Margo K. Brodie
Chief United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Fed. Defenders of N.Y., Inc. v. BOP, et al.*
Civil Action No. 19-cv-660 (Brodie, Ch. J.) (Kuo, M.J.)

Dear Chief Judge Brodie:

This Office represents Defendants, Federal Bureau of Prisons (“BOP”) and the Warden of the Metropolitan Detention Center, Brooklyn (“MDC Brooklyn”) (collectively, “the Government”) in the above-referenced lawsuit, in which Plaintiff alleges that MDC Brooklyn provides adults in custody inadequate access to counsel. We write pursuant to the Court’s June 17, 2024 Order, requiring Defendants to provide a status report in advance of the July 12, 2024 conference. *See* June 17, 2024 Minute Entry. Legal visitation at MDC Brooklyn remains robust, with adults in custody having legal access in-person, through video calls, and scheduled telephone calls.

I. In-Person Legal Access

MDC Brooklyn continues to facilitate in-person attorney-client meetings seven days a week. In Defendants’ last status report, the Government reported that an advance copy of the Legal Access Guide had been circulated for Federal Defenders’ review, and that the Government expected to receive Federal Defenders’ comments. Federal Defenders reviewed the Legal Access Guide and on June 26, 2024 provided comments to Defendants and the mediation team. Since that time, the parties engaged in substantive discussions on two separate occasions, and MDC Brooklyn is currently revising aspects of the Legal Access Guide with an eye toward publishing a final document in the near term.

II. Attorney-Client Calls and VTCs

In addition to the seven-days-a-week, in-person attorney access, MDC Brooklyn continues to provide remote legal access by telephone and video-teleconference (“VTC”) every weekday, during the morning and afternoon. Nevertheless, a faulty telephone line in the West Building’s Special Housing Unit (“SHU”) disrupted several telephone calls in that unit earlier in June. Despite

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this issue, the success rate for placed calls and VTCs continues to be high (*i.e.*, over 91% of scheduled calls placed for the last four weeks, per Plaintiff's call logs).¹

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Defendants look forward to resuming negotiations over the draft settlement agreement once the Legal Access Guide has been distributed.

Respectfully submitted,

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¹ This figure includes multiple calls and VTCs flagged by Federal Defenders for which MDC Brooklyn logs reflect (among other things) that the call did not go forward because the adult in custody had a court appearance or was not in MDC Brooklyn's custody when the call was placed, that the adult in custody refused the call, or that the attorney did not answer when called. However, this figure excludes calls or VTCs that did not go forward because of the issue with the SHU telephone line.